on H.R. 14883, to amend the Public Works and Economic Development Act of 1965 to extend the authorization for a 2-year period. Page H 4810

Arms Control and Disarmament Authorization: House disagreed to the amendment of the Senate to H.R. 12799, to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations; and asked a conference with the Senate. Appointed as conferees: Representatives Morgan, Zablocki, Hays, Frelinghuysen, and Broomfield. Page H 4810

Foreign Disaster Assistance: House disagreed to the amendments of the Senate to H.R. 12412, to authorize an appropriation to provide disaster relief rehabilitation, and reconstruction assistance to Pakistan, Nicaragua, and the Sahelian nations of Africa; and asked a conference with the Senate. Appointed as conferees: Representatives Morgan, Zablocki, Hays, Fascell, Frelinghuysen, Broomfield, and Derwinski. Page H 4810

Freedom of Information: House disagreed to the amendment of the Senate to H.R. 12471, to amend section 552 of title 5, United States Code, known as the Freedom of Information Act; and asked a conference with the Senate. Appointed as conferees: Representatives Holifield, Moorhead of Pennsylvania, Moss, Alexander, Horton, Erlenborn, and McCloskey. Page H 4811

Public Works-AEC Appropriations: By a recorded vote of 374 ayes to 21 noes, the House passed H.R. 15155, making appropriations for public works for water and power development, and the Atomic Energy Commission for fiscal year 1975.

Rejected an amendment that sought to delete $800,000 appropriated for the Dickey-Lincoln School Lakes project (rejected by a recorded vote of 186 ayes to 201 noes).

An amendment that sought to strike the enacting clause was offered, and subsequently withdrawn. Pages H 4811–H 4854

Presidential Message—Railroad Safety: Received and read a message from the President wherein he transmits the third annual report on administration of the Railroad Safety Act of 1970 covering calendar year 1973—referred to the Committee on Interstate and Foreign Commerce. Page H 4856

National Science Foundation Authorization: House disagreed to the amendment of the Senate to H.R. 13999, to authorize appropriations for activities of the National Science Foundation and asked a conference with the Senate. Appointed as conferees: Representatives Teague, Davis of Georgia, Symington, McCormack, Mosher, Bell, and Esch. Pages H 4856–H 4857

Deepwater Ports: By a yea-and-nay vote of 318 ayes to 9 nays, the House passed H.R. 10701, to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities.

Agreed to the Jones of Alabama amendment as amended by the following:

Agreed to the Sullivan substitute to the previous amendment (agreed to by a recorded vote of 174 ayes to 158 noes); and

Agreed to an amendment to the Sullivan substitute that restores the section on liability funds for damage (agreed to by a recorded vote of 311 ayes to 27 noes).

H. Res. 1139, the rule under which the bill was considered, was agreed to earlier by a voice vote. Pages H 4857–H 4893

Legislative Program: Majority leader announced the program for the week beginning June 10. Agreed to adjourn from Thursday to Monday. Pages H 4906–H 4907

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of June 12. Page H 4907

Printing Resolutions: House passed the following resolutions, all authorizing printing:

H. Res. 935, authorization for reprinting additional copies for use of the Committee on the Judiciary of the committee print entitled "Constitutional Grounds for Presidential Impeachment";

H. Res. 1006, authorizing the printing of the transcript of the proceedings in the Committee on Rules of October 25, 1973;

H. Con. Res. 201, to reprint the brochure entitled "How Our Laws are Made". Agreed to the committee amendment;

H. Con. Res. 445, authorizing additional copies of Oversight Hearings entitled "State Postsecondary Education Commissions";

H. Con. Res. 454, to authorize the printing as a House document "Our Flag", and to provide for additional copies;

H. Con. Res. 455, to provide for the printing as a House document "Our American Government. What Is It? How Does It Work?";

H. Con. Res. 474, authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs; and

S. Con. Res. 73, authorizing the printing of additional copies of a committee print of the Senate Select Committee on Nutrition and Human Needs. Pages H 4907–H 4908

Referrals: Two Senate-passed measures were referred to the appropriate House committees. Page H 4925

Quorum Calls—Votes: One quorum call, one yea-and-nay vote, and four recorded votes developed during the proceedings of the House today and appear on pages H4809, H4852–H4854, H4888, H4891–H4893.

Program for Monday: Met at 11 a.m. and adjourned at 8:10 p.m. until noon on Monday, June 10, when the House will consider the following bill from the Com-

mittee on the District of Columbia: H.R. 15074, Political Campaign Finance Practice Regulations.

Committee Meetings

DEFENSE APPROPRIATION

Committee on Appropriations: Subcommittee on Defense continued hearings on Army Reserve and Guard.

FOREIGN OPERATIONS APPROPRIATION

Committee on Appropriations: Subcommittee on Foreign Operations continued executive hearings on military assistance and military credit sales.

MILITARY CONSTRUCTION APPROPRIATION

Committee on Appropriations: Subcommittee on Military Construction continued hearings on services' family housing.

MILITARY COMPENSATION ADJUSTMENTS

Committee on Armed Services: Subcommittee No. 4 continued hearings on H.R. 13937, to refine procedures for adjustments in military compensation. Testimony was heard from Lt. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for Military Personnel Policy.

MILITARY CONSTRUCTION AUTHORIZATION

Committee on Armed Services: Subcommittee No. 5 continued hearings on H.R. 14126, to authorize certain construction at military installations. Further testimony was heard from Maj. Gen. Billie McGarvey, Deputy Director, Office of Civil Engineering, USAF.

EXPORT AUTHORITY EXTENSION

Committee on Banking and Currency: Subcommittee on International Trade met for markup and approved for full committee action a clean bill in lieu of H.R. 13840, to further amend and extend the authority for regulation of exports.

D.C. UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT

Committee on the District of Columbia: Subcommittee on Revenue and Financial Affairs held a hearing on and approved for full committee action H.R. 12196 amended, to adopt for the District of Columbia the Uniform Management of Institutional Funds Act. Testimony was heard from D.C. government and public witnesses.

STATE STUDENT FINANCIAL ASSISTANCE

Committee on Education and Labor: Special Subcommittee on Education held a hearing on State student financial assistance programs and heard testimony from public witnesses.

Hearings continue Monday, June 10.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Committee on Education and Labor: Subcommittee on Equal Opportunities met and approved for full committee action a clean bill in lieu of H.R. 6265, Juvenile Justice and Delinquency Prevention Act.

BLACK LUNG BENEFITS

Committee on Education and Labor: General Subcommittee on Labor held a hearing on H.R. 3476 and related bills to amend black lung benefits provisions of the Federal Coal Mine Health and Safety Act. Testimony was heard from Representative Hechler of West Virginia; Nancy Snyder, Director, Division of Coal Mine Workers Compensation, Department of Labor; Bernard Popick, Social Security Administration; Jim Hamilton, Pike County and James H. Preece, Martin County, Ky., Black Lung Associations; and Anise Floyd, vice president, West Virginia Black Lung Association.

Hearings were adjourned subject to call.

DELINQUENT INTERNATIONAL DEBTS

Committee on Government Operations: Subcommittee on Foreign Operations and Government Information concluded hearings on delinquent international debts. Testimony was heard from Sidney Weintraub, State Department; and Richard Larsen, Treasury Department.

REPORTING REQUIREMENTS

Committee on Government Operations: Subcommittee on Legislation and Military Operations continued hearings on H.R. 14718, and related bills, to discontinue or modify certain reporting requirements of law. Testimony was heard from Representatives Yatron and Fascell; Charles Bingham, Office of Management and Budget; and Frederick L. Williford, National Federation of Independent Businesses.

Hearings were adjourned subject to call.

FUELS AND ENERGY CONSERVATION

Committee on Interior and Insular Affairs: Subcommittee on Environment continued hearings on H.R. 11343, to provide for national fuels and energy conservation policy, and to establish an Office of Energy Conservation in the Department of Interior. Testimony was heard from Russell W. Peterson, Chairman, Council on Environmental Quality; and Dr. Herman E. Daly, economist, Louisiana State University.

Hearings continue Monday, June 10.

NATIONAL RESOURCE LANDS MANAGEMENT ACT

Committee on Interior and Insular Affairs: Subcommittee on Public Lands continued markup of H.R.

go over until tomorrow and be called up immediately upon the disposition of the vote on the Kennedy-Cranston-Symington amendment; and that there be a limitation of 30 minutes instead of 1 hour on the Mathias amendment; and that upon the disposition of the Mondale-Mathias amendment tomorrow, the votes, if such there be, which are ordered on further amendments tonight, then occur.

The PRESIDING OFFICER (Mr. NUNN). Is there objection to the request of the Senator from West Virginia?

Mr. STENNIS. Mr. President, reserving the right to object—and I am not wanting to object at all, understand—how much time are we going to have for the Mathias amendment?

Mr. ROBERT C. BYRD. Thirty minutes.

Mr. STENNIS. That is the submarine amendment. That will start off the program costing $1 billion plus. The committee unanimously left that out of the bill. It seems to me that that is worth more than 30 minutes.

Mr. ROBERT C. BYRD. I am sorry, but——

Mr. STENNIS. That is in addition to the Trident which will be an ongoing submarine. We may get the other before we let the contract for the Trident.

Mr. ROBERT C. BYRD. Let me say to the distinguished Senator from Mississippi that if we stretch it beyond 30 minutes, we will have some problems tomorrow with our time situation.

Mr. STENNIS. I want to cooperate, of course, but we are up against it. The matter of aid for South Vietnam is coming up. That is a matter that anyone can bring up who wants to, but the committee was unanimous on that. Then we have the Jackson amendment. That is a far-reaching matter. Then we have the Mathias amendment which we had set for tonight. Then there is another one somewhere, the so-called ceiling amendment—and then final passage.

Mr. ROBERT C. BYRD. Those are already locked in. I was just trying to flesh out the work schedule for tomorrow.

Mr. HUGH SCOTT. I would suggest to the Senator from Mississippi that it is already late enough for the demolition charges to take care of tomorrow.

Mr. STENNIS. We have three more amendments tonight, then?

Mr. HUGH SCOTT. If so, the votes will go over until tomorrow, I understand.

Mr. STENNIS. These are for tomorrow. I am complaining mainly about the 30 minutes, with 15 minutes to a side, on the submarine amendment. I believe it should have more time than that.

Mr. ROBERT C. BYRD. Mr. President, I revise my request as follows: I ask unanmious consent that the so-called ceiling amendment by Senator HUMPHREY be called up tomorrow at 2:30 p.m.; that there be a limitation thereon of 1 hour and 15 minutes, as previously agreed to, with the vote on final passage to come upon disposition of the Humphrey amendment. That will allow the additional 30 minutes the distinguished chairman would like to have on the Mathias amendment.

Mr. STENNIS. If the Senator will yield further, what time do we have for vote on final passage of the bill?

Mr. ROBERT C. BYRD. That would mean that the vote on the Humphrey amendment would occur at 3:45 p.m., with a vote on final passage to come at 4 p.m.

Mr. STENNIS. Well, three amendments are up for consideration tonight. What is the suggestion as to them?

Mr. ROBERT C. BYRD. My understanding is that the amendment by the Senator from Iowa (Mr. HUGHES) may be accepted; that the amendment by the Senator from Ohio (Mr. METZENBAUM) will not take long to discuss, and the vote would go over until tomorrow; and the amendment by the Senator from New York (Mr. JAVITS) would not require long. Whether there is to be a rollcall vote on his amendment remains to be seen. Those three amendments should not take too long.

Mr. STENNIS. I have not seen the Hughes amendment. It was not offered in committee. The Metzenbaum amendment has been voted on once before.

Mr. ROBERT C. BYRD. Here is the situation. We already have an agreement that we are going to have to live up to. If we cannot change it, we are going to live up to that agreement, and we will vote tomorrow on final passage at 2:30 p.m. This would mean that if we are going to call up other amendments tonight, we will have to vote on them tonight because we cannot carry them over until tomorrow. We are faced with the clock situation. I was trying to accommodate Senators all the way around, let me say to my distinguished chairman.

Mr. STENNIS. I see that we have got to have more time here. I could not object to extending it 1 day longer. I just want more time on that submarine amendment—30 minutes to a side would be sufficient.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. THURMOND. Mr. President, reserving the right to object, there is one amendment, the MASF amendment, which has 1 hour to be considered. That is a very important matter. That should be made 45 minutes to a side.

Mr. ROBERT C. BYRD. Which amendment is that?

Mr. THURMOND. The MASF amendment concerning South Vietnam.

Mr. STENNIS. Aid to South Vietnam.

Mr. KENNEDY. Is there any objection to my amendment's going over into the afternoon? I would be glad to be here, but we have already moved our witnesses to come in earlier on the Health Committee, to bring us to a quarter to 10. We have many out-of-town witnesses who are coming in. I would be glad to to adjust and accommodate Senators. It seems to me that as this is a quarter to 10, and we have already moved it back earlier, it seems to me—although I am prepared to come in at any time—I want to have a full house here—this deals with cutting back on military aid to South Vietnam. That is an important amendment. I would like to have my colleagues around here as well, and I am prepared at any time tomorrow, but at 9 a.m. I do not think we will have the kind of attention to this amendment that it deserves.

Mr. ROBERT C. BYRD. The amendment is presently scheduled to go at 9:30. The Senator's attendance will be about as good at 9 a.m. as at 9:30.

Mr. KENNEDY. I am not objecting to having it considered earlier but I would like to have it taken up later in the day.

Mr. MANSFIELD. Mr. President, I hope the Senators from Massachusetts, Mississippi and South Carolina would recognize the difficulties in which the joint leadership some times finds itself when we reach what we think is a bona fide agreement, an agreement reached in good faith, and then one Senator, when he found out that there would be other amendments to be offered tonight as of a certain time, raised an objection and felt that he was being put upon. He was not. But I cite this only to indicate that the joint leadership does have difficulties and that what we need is more understanding from the membership if we are going to keep the calendar as clear as possible. So far as 9 or 9:30 is concerned. I do not think it will make any difference.

Mr. KENNEDY. I will be glad to have my amendment called up at 9 o'clock.

Mr. THURMOND, Mr. President——

Mr. MANSFIELD. The Senator has got it. Leave it alone.

Mr. THURMOND. Mr. President, I felt it was important but if there is any serious objection to it, we will leave it as it is.

Mr. MANSFIELD. All right—all right. Leave it as it was.

Mr. THURMOND. I just want to accommodate the Senator.

Mr. KENNEDY. I thank the Senator.

Mr. MANSFIELD. 9:30.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if I may synthesize what has been said here, there will be no further votes tonight—no further rollcall votes to be taken tonight. As agreed to, the votes will be put off until tomorrow.

Mr. JAVITS. Mr. President, in view of the fact that Senators may be late tomorrow, I would like to ask unanimous consent that it may be in order to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, may I ask the Senator one question? Does he have his amendment worked out?

Mr. JAVITS. Yes; I do.

Mr. STENNIS. I wish the Senator would supply it.

Mr. ROBERT C. BYRD. Mr. President, I ask whether the distinguished manager of the bill and the distinguished ranking minority member will agree to cutting the time on the Humphrey amendment, so that it would be 1 hour on that

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amendment, rather than 1 hour and 15 minutes.

Mr. STENNIS. Which amendment is that?

Mr. ROBERT C. BYRD. That is the ceiling amendment.

Mr. STENNIS. I think so.

Mr. THURMOND. Mr. President, reserving the right to object, what is the amendment?

Mr. ROBERT C. BYRD. The so-called ceiling amendment.

Mr. THURMOND. I have not seen the amendment. I do not know what it contains. I would like to see a copy of it.

Mr. ROBERT C. BYRD. I am sorry; I cannot produce it.

Mr. THURMOND. I have been trying to get it, and I have not been able to do so.

Mr. STENNIS. Is anything in it besides dollar figures—any conditions, limitations, things of that sort?

Mr. ROBERT C. BYRD. May I ask the clerk of the committee? Perhaps he knows. He indicates in the negative.

Mr. STENNIS. We have not seen any amendment.

Mr. THURMOND. We have not seen it. We cannot get it.

Mr. STENNIS. We have been agreeing to time limitations and everything, and they will not turn in the amendments.

Mr. ROBERT C. BYRD. Mr. President, there comes a time when I just have to sit down.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to call up an amendment at the desk, for the purpose of asking for the yeas and nays while sufficient Members are present.

The PRESIDING OFFICER. Will the Senator just ask unanimous consent that it be in order to order the yeas and nays?

Mr. METZENBAUM. I so request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METZENBAUM. I ask for the yeas and nays.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 17, between lines 20 and 21, insert a new section as follows:

SEC. (a) Chapter 401 of title 10, United States Code, is amended—

(1) by adding the following new section at the end thereof:

"4314. United States Army Command and General Staff College degree

"Under regulations prescribed by the Secretary of the Army, and with the approval of a nationally recognized civilian accrediting association approved by the Commissioner of Education, Department of Health, Education, and Welfare, the Commandant of the United States Army Command and General Staff College may upon recommendation by the faculty confer the degree of master of military art and science upon graduates of the college who have fulfilled the following degree requirements: a minimum of thirty semester hours of graduate credit, including a masters thesis of six to eight semester hours, and a demonstration of competence in the discipline of military art and science as evidenced by satisfactory performance on a general comprehensive examination. These requirements may be altered only with the approval of such association. The Secretary of the Army shall report annually to the Committees on Armed Services of the Senate and House of Representatives the following information: (1) the criteria which must be met to entitle a student to award of the degree, (2) whether such criteria have changed in any respect during the reporting year, (3) the number of students in the most recent resident course graduating class, (4) the number of such students who were enrolled in the master of military art and science program, and (5) the number of students successfully completing the master of military art and science program."; and

(2) by adding the following new item at the end of the analysis of such chapter:

"4314. United States Army Command and General Staff College degree."

(b) The Commandant of the United States Army Command and General Staff College may confer the degree of master of military art and science upon graduates of the college who have completed the requirements for that degree since 1964 but prior to the enactment of this Act; but the number of such degrees awarded for such period may not exceed 200.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the distinguished Senator from Massachusetts.

AMENDMENT OF FREEDOM OF INFORMATION ACT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12471.

The PRESIDING OFFICER (Mr. NUNN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 12471) to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. HART, Mr. BAYH, Mr. BURDICK, Mr. TUNNEY, Mr. MCCLELLAN, Mr. THURMOND, Mr. MATHIAS, Mr. GURNEY, and Mr. HRUSKA conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1975

The Senate continued with the consideration of the bill (S. 3000) to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads, and for other purposes.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, for the Senator from West Virginia, the assistant majority leader, I ask unanimous consent that the time on the so-called ceiling amendment be reduced to 1 hour rather than 1 hour and 15 minutes. I believe the Senator from Minnesota and the Senator from South Carolina join me in that request.

Mr. THURMOND. I have not expressed myself on that, Mr. President, but I will agree to it.

The PRESIDING OFFICER. Is there objection?

Mr. HUGHES. Mr. President, reserving the right to object, I would like to know what was said. May I inquire what the request is?

Mr. STENNIS. That the time for debate on the Humphrey amendment, which is to put a ceiling on the dollars in the bill, be limited to 1 hour, equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished chairman.

Mr. HUGHES. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUGHES. Mr. President, will the chairman give me his attention? He is about the only one I am interested in speaking to at present.

Mr. STENNIS. I have just turned over my duties to the Senator from Nevada.

Mr. HUGHES. Mr. President, the amendment I am offering, together with Senators EASTLAND, MCGOVERN, DOLE, and GOLDWATER, is a rather simple one. It is to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of master of military art and science.

The amendment:

First. Lists the specific requirements to obtain the degree of master of military art and science.

Second. Provides that the requirements may be altered only with the approval of a nationally recognized civilian accrediting association approved by the U.S. Commissioner of Education.

Third. Provides that the Secretary of

The question then comes to be how to slow economic increases in the most equitableway possible and in concert with the emerging energy realities.

At present, there seems to be just one answer on the table. Chairman Arthur F. Burns, of the Federal Reserve Board, with some help from William E. Simon, Secretary of the Treasury, is going to lead us back to the practice of "that old time religion"—tight money, high interest rates and perhaps even a balanced Federal budget.

The attractiveness of such a policy is enormous. It is simple, impersonal, easy to administer and understandable.

I envy those who sincerely believe it can work.

The plan ignores the changed structure of our economic system, is obvious to the social consequences of its adoption, and does not bring about a solution to the real problem that confronts us.

What we have to do while slowing growth is to continue to transfer resources, on a relative basis at least, from the consumer sector to the producer sector of our economy over the next two and a half years.

Energy limitations and other constraints on growth make it essential that the means of production go where they are most needed. We have to invest in new equipment that utilizes energy more efficiently (low small cars, energy-efficient machinery), and we should shift to new energy sources or more development of existing sources (conversion to coal, new mines, gasification plants, drilling rigs and pipes). Financing, therefore, has to be channeled to the most productive uses.

Such a situation begs for a more selective approach. Policies have to be developed which cope with inflation by insuring that there is a sufficient supply of the materials that feed the industrial machine. This will occur only if growth is provided to those uses which give us the maximum benefit from our limited resources, at the expense of other users of credit whose activities can be delayed.

Although this requires that policy makers have to start making hard decisions about resource allocation, surely that is preferable to slowing everything indiscriminately and thereby postponing needed adjustments to the new energy realities.

Specifically, we need more savings by consumers and more spending in the right places by producers. Saving is prerequisite to investment.

The major source of savings in America is the average-income earner. He could be encouraged by making interest tax exempt on regular savings accounts and on retail certificates of deposit up to $20,000 at commercial banks, mutual savings banks and savings and loan associations.

Higher-income taxpayers—perhaps with annual earnings of $40,000 and over—could be encouraged to save 10 per cent a year for the next three years, if this were returned with its original purchasing power intact at the end of that period. The dollar increment required to restore purchasing power would be measured against the Consumer Price Index.

We need to channel credit to areas of greatest need. I am not suggesting some sort of national credit allocation committee. Rather, we should go the route of putting incentives to work. Having increased savings incentives along the lines suggested, we should use the existing system for allocating investment resources to provide incentives to move money where it is most needed.

Just last week some thinking along these lines by the Treasury Department was revealed, although it is anybody's guess how Mr. Simon's ideas for stimulating investment will fare in Congress.

Why not go a step further? Monetary policy should be able to help channel investment, too. Housing is one possibility.

It used to be, only a few years ago, that the problem was low-income housing. Now it is how to induce builders to make homes for middle- to upper-middle-income families as well. Is it too much to suggest selective incentives, or even direct controls, to make credit more accessible for this sort of building?

It seems eminently reasonable that banks should receive reserve credit for certain types of lending—to a certain type of builder or for construction of new capacity in hard-pressed industries such as the providers of new energy sources or mass transit. Reserve debits against lending for essentially speculative or consumption-stimulating projects also could be a possibility.

The net result would be to reduce the cost of credit extended for desired purposes through the stimulus of the profit-incentive system. No new bureaucracy need be created.

The Federal Reserve System once administered a Regulation W, which has not been in effect for over 20 years now. It specified, among other things, the down payment and duration of loans to finance automobiles. A similar regulation, instituted now, could fit loan terms to the kind of car financed—low payments and extended terms for energy-efficient cars, the reverse for gas-guzzlers.

The same kind of thinking could be extended to other kinds of consumer lending, discouraging the sorts of spending we do not need now and encouraging the kinds we do need: less for luxury condominiums, more for basic, energy-efficient housing.

The new reality of the nineteen-seventies is that resources are not unlimited. Generalized monetary restrictiveness is not enough to effect the shift from consumption to investment that we must have. It denies credit indiscriminately, no matter who bleeds.

If someone must bleed, certainly it should not be the industries and entrepreneurs whose contributions we need most.

Indiscriminate credit restrictiveness threatens the enterprise system. It is promoting the socialization of industries—rails, utilities, soon perhaps other transportation and energy suppliers—that had been regarded as bulwarks of the private economy.

It is time to face more creatively the need to slow growth and contain inflation while we add capacity where it will do the most good in view of new limitations on resources we can bring to the task.

THE PROBLEM OF PHYSICIAN DISTRIBUTION

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, at the present time there are over 366,000 practicing physicians in the United States. Our medical schools are graduating over 12,000 students each year.

The ideal ratio of physicians to the population is estimated to be 1 to 1,000. Since we now have a ratio of 1 to 680, we can see that we actually have an adequate supply of physicians. A significant problem, however, is one of distribution. The tendency over the years has been for physicians to locate in affluent areas amid pleasant surroundings. As a result, our ghetto and rural areas are not adequately supplied with physicians. As the number of physicians has grown, an increasing number have been choosing rural areas. I submit that if we continue with the present assistance to medical schools, and with our present loan and scholarship plans, in a few years there will be an overflow of physicians into rural and deprived areas. This is occurring today. In my own home county two young physicians have entered into practice as of this year. In the neighboring county of Barren, two or more physicians have located there; and, in Clinton County, two new physicians have entered into the practice of medicine.

I submit, Mr. Speaker, that we should accent this program of supplying physicians to rural and deprived areas by scholarships such as those given under the Berry plan. For the National Health Service Corps, the scholarship amounts to $9,000 per year and requires after graduation, interning, or residency, practice in a rural or deprived area for 1 year for each year of scholarship received.

Mr. Speaker, an alternate method of securing more physicians in rural and deprived areas is to preselect from these areas students who want or who will agree to return to such areas. This can be accomplished at a much smaller cost than the plan submitted by one of my conferees in the House and two Members of the other body which would provide loans of $12,000 per year to all medical students who desired them—and it is estimated that 85 to 90 percent of all medical students would accept this loan—with the qualification that those students serve in the rural or deprived areas on a salary of $25,000 per year, at the end of which time the $50,000 loan would be forgiven. It is my sincere belief, Mr. Speaker, that this cost would be tremendous and inordinately onerous to the taxpayers of this country. It is my feeling that more than 90 percent, I should say in the neighborhood of 98 percent, of our medical students would accept such a magnificent loan and this would cost our taxpayers $2.744 billion each year.

In summation, more than likely, pursuing our present program we will be able to supply physicians to rural and deprived areas, and if we wish to go further by giving incentives to the National Health Service Corps and a modest number of medical students under a plan similar to the Berry plan, we can accomplish our purposes in seeing that every American has access to a physician without other unnecessary and enormous expenditures.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 20 minutes.

[Mr. TALCOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

FREEDOM OF INFORMATION ACT AMENDMENTS OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, secrecy in a democracy can never be better than a necessary evil. Ours is an open society, and our foreign policies can never succeed for long if they lack public understanding. There is no inherent virtue in secrecy, and much danger. Danger posed

not alone in the hiding of bureaucratic incompetence, inefficiency, or administrative error, but more ominously, secrecy threatens the very foundations of our constitutional democracy when it becomes a cult and addiction of those in high office. It deafens leaders to dissenting opinions voiced by those who lack access to secret information and is used to exclude dissenters from critical policy debates.

Therefore, I am today introducing legislation designed to change our present security classification system, one "rooted in outdated concepts, doctrines, and methods," and institute one rooted in the belief that openness is right, and secrecy when clearly vital, is indeed a necessary evil.

Recent events provide us with a natural pause to collect our criticisms of the past and present uses, abuses, and problems of secrecy in government, and translate them into a hard-hitting reform effort. The impetus provided by these abuses and practices should inspire us to action, and I hope there will be a united effort to achieve this reform.

Though the origins of the present security classification system can be traced back before World War I, the present Executive Order 11652 now controlling classification and declassification of national security information, was fathered in 1940 by President Franklin D. Roosevelt. President Roosevelt was the first President to make use of an Executive order to establish an executive classification system. Presidents Truman, Eisenhower, Kennedy, and Nixon, apparently relying primarily on implied constitutional powers of the office and selected statutes, either issued their own Executive orders or amended existing ones to suit their views of how a security classification system should be conducted. However, the mere de facto operation of this executive security classification system is not evidence of its wisdom nor does it bestow a de jure basis for such an executive system.

One of the notions associated with governmental secrecy has been the idea that administrative regulation of secrecy practices within the executive branch is uniquely the concern of the Executive. This proposition has never been substantiated and as the May 22, 1973, report on "Executive Classification of Information," by the House Committee on Government Operations, pointed out on page 11:

> The extent of the President's constitutional power to control the disclosure by persons in the executive branch of Government and to withhold information from the Congress and the public has long been in controversy and has never been fully settled.

In fact, in view of the constitutional duties resting on Congress to provide for the common defense, it can be persuasively argued that the Congress has not only a right, but a duty to devise a system to control and guide what should and should not be withheld in the national security interest. Congress has never provided a basis in law, with applicable constitutional restrictions, for the President as the Commander in Chief, to control and protect an item or type of information if he determines that public access at a particular time would damage the national defense.

Instead, Congress has permitted this Nation's security classification system to be left entirely to one man—the President. In a time when we are recognizing the implicit dangers of an "imperial Presidency" Congress must reassert its rightful place as an equal branch of Government representing the people, by giving them a say in what type of security classification system they must live under. Congress should meet this obligation by creating a statutarily based security classification system that is tightly controlled, thoroughly inspected, and continually challenged

This legislation proposes just such a system by providing a simple, straightforward and workable alternative to the present discredited security classification system. Senator HATHAWAY has already introduced identical legislation in the Senate and my effort today will complement his current efforts.

Mr. Speaker, there is abundant proof today that the Executive order secrecy system has failed completely to achieve its stated purpose. In the words of the Air Force's former Deputy Assistant for Security and Trade Affairs, the—

> Use of broad national security interests as a basis for secrecy invites people to classify massive volumes of information the disclosure of which would not damage the national defense. This has weakened and discredited the system to the point where significant information is subjected to the same loose handling as unimportant information.

Because of this the bill attempts, in a clear, uncomplicated way to set out a procedure and system that will be effective by first authorizing classification of information in a single category only—"Secret Defense Data." The bill further outlines in both a positive and a negative way what information can legitimately be classified. The bill provides for the automatic declassification of materials after 2 years, although there are mechanisms in the bill for specific deferral of declassification for secret defense data that should remain classified for longer than 2 years.

The bill limits the list of people who may originally classify information as "Secret Defense Data," and will thus insure a final responsibility for overclassification.

And a final major provision of the bill will charge the General Accounting Office with the monitoring of the implementation of this new congressionally authorized system. I am sure my colleagues in the House of Representatives and the public are aware of the tradition of tenacity and veracity GAO has developed over the years in faithfully carrying out assignments from the Congress, and I feel that this is a good, balanced approach. The GAO will be directed to review agency implementing regulations, periodically inquire as to the need for assignment or retention of a secret defense data designation, conduct periodic on-the-job checks, pursue inquiries if needed, and transmit reports of their findings to both the Senate and the House.

This issue is of pressing concern to each Member of Congress, and as we approach our Bicentennial, I trust our commitment to the concept of an open government that opposes all but absolutely necessary secrecy will be no less firm than was our Founding Fathers' commitment.

RAILROAD SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, the question of railroad safety enforcement is of particular concern to me as I represent approximately 33,000 commuters who daily ride the Penn Central Railroad into New York.

Because of the rising incidence of rail accidents, deaths, and injuries on the New York-Connecticut commuter lines, the Federal Railroad Administration held hearings in New York on July 28, 1973, to hear testimony and gather evidence. In my statement I discussed various complaints which had come to my attention and which, I believed, warranted investigation. These complaints ranged from the continual elimination of jobs by the Penn Central, shortmanned crews, alienation of operating personnel by mid- and lower-management, poor equipment inspection, improper training of important personnel in key areas involving train movements, lack of track maintenance, to the question of safety on the new Cosmopolitan cars.

This was the first such hearing the FRA had ever held and surely presented that agency with the opportunity to demonstrate their interest, their concern, and their commitment to enforcement of rail safety standards.

However, FRA's disinterest, unconcern, and lack of commitment have been demonstrated by the fact that here it is, almost a year later, and their report on safety conditions on the New York-Connecticut commuter lines has yet to be issued. I am continually told that because this was the first such hearing ever held, the process requires extensive evaluation. But does it really take a year to prepare a report on such an urgent and deteriorating situation?

I was promised the report would be issued last month. That timetable was of paramount importance to Connecticut commuters because our State had an application pending before the Urban Mass Transportation Administration for the purchase of 100 additional commuter cars, cars which many of my constituents fear to ride because of the questions of safety that have been raised repeatedly since the cars first took to the tracks. Prime concern centers on the question of the combustability of the cars' interiors and safe exiting from the cars in case of emergency. The funding for the purchase of 100 additional cars was approved last week but the commuter fears remain. Are these cosmopolitan cars safe? Is the Federal Government providing funds for identical cars which the FRA report may deem dangerous?

What order of priorities does the Department of Transportation and the Federal Railroad Administration have

THE WASHINGTON POST DATE 13 Aug 74 PAGE A-4

Data Bill Showdown Near

By Bob Kuttner
Washington Post Staff Writer

A House-Senate conference committee is scheduled to meet this afternoon to complete action on a freedom of information bill that President Nixon had been advised to veto.

President Ford's decision on whether to sign the measure, which is almost certain to win final passage, could provide an early test of the limits of his commitment to "openness and candor" in government.

The bill is intended to close loopholes in the 1966 Freedom of Information Act, and to make it harder for officials to deny government documents arbitrarily to the press and the public.

Sen. Roman Hruska (R-Neb.) had urged Mr. Nixon to veto the measure. The Justice Department has raised objections to several provisions, though a ranking official denied yesterday that the department wants a veto.

The package of amendments has been gestating since 1972, when the House Foreign Operations and Government Information Subcommittee began oversight hearings on enforcement of the 1966 act.

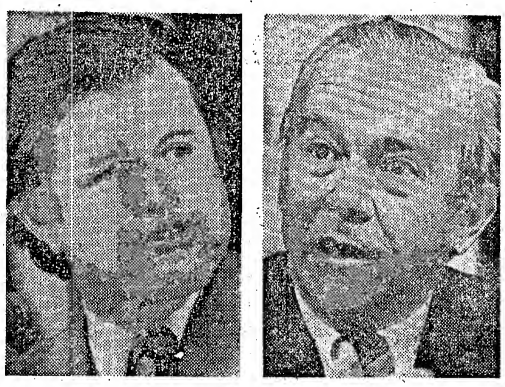
The hearings and a companion investigation by the Senate Administrative Practices Subcommittee revealed a formidable array of bureaucratic devices for evading the intent of the act. In a number of cases the government, in effect, simply denied the request for information, and invited the citizen to sue.

Malvin Schecter, an editor of Hospital Practice Magazine, took the Social Security Administration to court in order to pry loose some nursing home inspection reports. The government didn't appeal the decision, but when Schecter went back to request a second batch, he had to file suit all over again.

The Agriculture Department used the same ploy, unsuccessfully, to discourage attempts by a public interest group to obtain meat inspection records.

Sen. Birch Bayh (D-Ind.) sued the Federal Trade Commission to get a look at a transcript concerning the FTC's antitrust complaint against eight oil companies. He won, but when reporters asked for copies of the same transcript, the FTC ruled that they had to file their own Freedom of Information Act requests.

The problem, according to Sen. Edward M. Kennedy (D-Mass.) and Rep. William Moorhead (D-Pa.), sponsors of the amendments, is that under the existing law a bureaucrat can give the public an extended runaround and face no sanction even if the citizen has the stamina to file and win a suit. When citizens did sue to enforce their rights, the government lost more than half the cases.



SEN. EDWARD M. KENNEDY, REP. WILLIAM MOORHEAD
... sponsors of amendments to information bill

A Justice Department advisory committee, which counsels other agencies on which refusals can be defended under the act, has lately improved that ratio somewhat.

The legislation would add incentives to make officials release the information without being taken to court.

Last week, the House and Senate conferees tentatively agreed on all but one provision of the bill. The measure would:

- Permit citizens who win freedom of information suits to recover attorneys' fees.
- Prohibit delays in responding to requests by setting a time limit of 10 working days.
- Shift the burden of proof to the government when it seeks to deny information in an "investigatory file."
- Require agencies to develop an index of publicly available information, and to set uniform and reasonable fees for document searches.
- Give courts the power to judge whether a secret document was properly classified in the first place, overruling the Supreme Court's decision in the unsuccessful suit by Rep. Patsy Mink (D-Hawaii) and others to obtain scientific reports from the Environmental Protection Agency on the possible hazards of the Amchitka nuclear test. The court ruled that the government's classification of a document is not subject to judicial review.

Still unresolved is a tough sanction provision added by the Senate, which would permit a judge to order penalties for an official who denied information "without reasonable basis in law." Officials could be suspended without pay for up to 60 days.

Kennedy, the main Senate sponsor of the amendment, contends that the sanction is necessary to "eliminate many of the cases where obstinate officials disregard the law in order to minimize embarrassment to the agency."

Many of the House conferees consider the provision unfair to the official, and bad law. They argue that the rest of the package provides ample incentives. A possible compromise suggested by Rep. Paul McCloskey (R-Calif.) would give the disciplinary powers to the agency rather than the courts.

Apart from the sanction provision, the measure is not controversial among congressmen. It passed both chambers earlier this year with overwhelming bipartisan backing and frequent references to the need for post-Watergate reform.

However, the Justice Department raised objections to the provisions permitting the courts to overrule security classifications of documents, the shortened time limits, and particularly to broadening access to information in law enforcement files, which was strenuously opposed by the FBI.

In keeping with the spirit of the legislation, the sessions of the House Senate conference are open to the public, still a relatively rare occurence in Congress. President Ford has not announced a position on the bill.

House of Representatives

WEDNESDAY, SEPTEMBER 25, 1974

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

Let integrity and uprightness preserve me; for I wait on Thee.—Psalms 25: 21.

God of our Fathers, we draw near to Thee as we celebrate the 200th anniversary of the First Continental Congress and we pause to acknowledge our dependence on Thee, to thank Thee for Thy guiding spirit which led our Nation in the past, and to pray that Thy presence may be with us to lead us in the days ahead.

May our celebration issue into a greater commitment to Thee and to our country that this Nation of ours may be great in religious faith, great in moral living, great in liberty and justice for all, and great in the brotherhood of man.

May the words of our mouths, the worship of our hearts, and the works of our hands be acceptable unto Thee as we seek to bring in the day when nations shall live in peace, for freedom and with good will in every heart.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16243) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes."

The message also announced that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 7, 15, 28, 34, and 38 to the foregoing bill.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3320. An act to extend the appropriation authorization for reporting of weather modification activities.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3585. An act to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes; and

S.J. Res. 244. Joint resolution to extend termination date of Export-Import Bank.

The message also announced that Mr. McINTYRE was appointed to replace Mr. CRANSTON as a conferee on S. 3164, providing for greater disclosure of the nature and costs of real estate settlement services; and that Mr. McINTYRE and Mr. BENNETT were appointed as additional conferees on H.R. 15977, to extend for 4 years the life of the Export-Import Bank and to provide increases in its overall commitment authority.

The message also announced that the President pro tempore, pursuant to Public Law 70–770, appointed Mr. BURDICK to the Migratory Bird Conservation Commission, in lieu of Mr. METCALF, resigned.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE CONFERENCE REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, September 27, 1974, to file a conference report on the bill (H.R. 15580) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1975, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1975, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12471

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 12471), the Freedom of Information Act amendments.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93–1380)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12471) to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

H.R. 12471—FREEDOM OF INFORMATION ACT AMENDMENTS

That (a) the fourth sentence of section 552(a)(2) of title 5, United States Code, is amended to read as follows: "Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.".

(b)(1) Section 552(a)(3) of title 5, United States Code, is amended to read as follows:

"(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person."

(2) Section 552(a) of title 5, United States Code, is amended by redesignating paragraph (4), and all references thereto, as paragraph (5) and by inserting immediately after paragraph (3) the following new paragraph:

"(4)(A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

"(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter do novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

"(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

"(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

"(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

"(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends.

"(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.".

(c) Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

"(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

"(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

"(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular request—

"(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

"(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

"(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

"(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request."

SEC. 2. (a) Section 552(b)(1) of title 5, United States Code, is amended to read as follows:

"(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;"

(b) Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

"(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;"

(c) Section 552(b) of title 5, United States Code, is amended by adding at the end the following: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.".

SEC. 3. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—

"(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

"(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

"(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

"(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

"(5) a copy of every rule made by such agency regarding this section;

"(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

"(7) such other information as indicates efforts to administer fully this section.

"The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

"(e) For purposes of this section, the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency."

SEC. 4. The amendments made by this Act shall take effect on the ninetieth day begin-

ning after the date of enactment of this Act.

And the Senate agree to the same.

CHET HOLIFIELD,
WILLIAM S. MOORHEAD,
JOHN E. MOSS,
BILL ALEXANDER,
FRANK HORTON,
JOHN N. ERLENBORN,
PAUL MCCLOSKEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
PHILIP A. HART,
BIRCH BAYH,
QUENTIN N. BURDICK,
JOHN V. TUNNEY,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12471) to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

INDEX PUBLICATION

The House bill added language to the present Freedom of Information law to require the publication and distribution (by sale or otherwise) of agency indexes identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, which is required by 5 U.S.C. § 552(a)(2) to be made available or published. This includes final opinions, orders, agency statements of policy and interpretations not published in the *Federal Register*, and administrative staff manuals and agency staff instructions that affect the public unless they are otherwise published and copies offered for sale to the public. Such published indexes would be required for the July 4, 1967, period to date. Where agency indexes are now published by commercial firms, as they are in some instances, such publication would satisfy the requirements of this amendment so long as they are made readily available for public use by the agency.

The Senate amendment contained similar provisions, indicating that the publication of indexes should be on a quarterly or more frequent basis, but provided that if an agency determined by an order published in the *Federal Register* that its publication of any index would be "unnecessary and impracticable," it would not actually be required to publish the index. However, it would nonetheless be required to provide copies of such index on request at a cost comparable to that charged had the index been published.

The conference substitute follows the Senate amendment, except that if the agency determines not to publish its index, it shall provide copies on request to any person at a cost not to exceed the direct cost of duplication.

IDENTIFIABLE RECORDS

Present law requires that a request for information from an agency be for "identifiable records." The House bill provided that the request only "reasonably describe" the records being sought.

The Senate amendment contained similar language, but added a provision that when agency records furnished a person are demonstrated to be of "general public concern," the agency shall also make them available for public inspection and purchase, unless the agency can demonstrate that they could subsequently be denied to another individual under exemptions contained in subsection (b) of the Freedom of Information Act.

The conference substitute follows the House bill. With respect to the Senate proviso dealing with agency records of "general public interest," the conferees wish to make clear such language was eliminated only because they conclude that all agencies are presently obligated under the Freedom of Information Act to pursue such a policy and that all agencies should effect this policy through regulation.

SEARCH AND COPYING FEES

The Senate amendment contained a provision, not included in the House bill, directing the Director of the Office of Management and Budget to promulgate regulations establishing a uniform schedule of fees for agency search and copying of records made available to a person upon request under the law. It also provided that an agency could furnish the records requested without charge or at a reduced charge if it determined that such action would be in the public interest. It further provided that no fees should ordinarily be charged if the person requesting the records was an indigent, if such fees would amount to less than $3, if the records were not located by the agency, or if they were determined to be exempt from disclosure under subsection (b) of the law.

The conference substitute follows the Senate amendment, except that each agency would be required to issue its own regulations for the recovery of only the direct costs of search and duplication—not including examination or review of records—instead of having such regulations promulgated by the Office of Management and Budget. In addition, the conference substitute retains the agency's discretionary public interest waiver authority but eliminates the specific categories of situations where fees should not be charged.

By eliminating the list of specific categories, the conferees do not intend to imply that agencies should actually charge fees in those categories. Rather, they felt, such matters are properly the subject for individual agency determination in regulations implementing the Freedom of Information law. The conferees intend that fees should not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

COURT REVIEW

The House bill clarifies the present Freedom of Information law with respect to *de novo* review requirements by Federal courts under section 552(a)(3) by specifically authorizing the court to examine *in camera* any requested records in dispute to determine whether the records are—as claimed by an agency—exempt from mandatory disclosure under any of the nine categories of section 552(b) of the law.

The Senate amendment contained a similar provision authorizing *in camera* review by Federal courts and added another provision, not contained in the House bill, to authorize Freedom of Information suits to be brought in the Federal courts in the District of Columbia, even in cases where the agency records were located elsewhere.

The conference substitute follows the Senate amendment, providing that in determining *de novo* whether agency records have been properly withheld, the court may examine records *in camera* in making its determination under any of the nine categories of exemptions under section 552(b) of the law. In *Environmental Protection Agency* v. *Mink, et al.*, 410 U.S. 73 (1973), the Supreme Court ruled that *in camera* inspection of documents withheld under section 552(b)(1) of the law, authorizing the withholding of classified information, would ordinarily be precluded in Freedom of Information cases, unless Congress directed otherwise. H.R. 12471 amends the present law to permit such *in camera* examination at the discretion of the court. While *in camera* examination need not be automatic, in many situations it will plainly be necessary and appropriate. Before the court orders *in camera* inspection, the Government should be given the opportunity to establish by means of testimony or detailed affidavits that the documents are clearly exempt from disclosure. The burden remains on the Government under this law.

RESPONSE TO COMPLAINTS

The House bill required that the defendant to a complaint under the Freedom of Information law serve a responsive pleading within 20 days after service, unless the court directed otherwise for good cause shown.

The Senate amendment contained a similar provision, except that it would give the defendant 40 days to file an answer.

The conference substitute would give the defendant 30 days to respond, unless the court directs otherwise for good cause shown.

EXPEDITED APPEALS

The Senate amendment included a provision, not contained in the House bill, to give precedence on appeal to cases brought under the Freedom of Information law, except as to cases on the docket which the court considers of greater importance.

The conference substitute follows the Senate amendment.

ASSESSMENT OF ATTORNEY FEES AND COSTS

The House bill provided that a Federal court may, in its discretion, assess reasonable attorney fees and other litigation costs reasonably incurred by the complainant in Freedom of Information cases in which the Federal Government had not prevailed.

The Senate amendment also contained a similar provision applying to cases in which the complainant had "substantially prevailed," but added certain criteria for consideration by the court in making such awards, including the benefit to the public deriving from the case, the commercial benefit to the complainant and the nature of his interest in the Federal records sought, and whether the Government's withholding of the records sought had "a reasonable basis in law."

The conference substitute follows the Senate amendment, except that the statutory criteria for court award of attorney fees and litigation costs were eliminated. By eliminating these criteria, the conferees do not intend to make the award of attorney fees automatic or to preclude the courts, in exercising their discretion as to awarding such fees, to take into consideration such criteria. Instead, the conferees believe that because the existing body of law on the award of attorney fees recognizes such factors, a statement of the criteria may be too delimiting and is unnecessary.

SANCTION

The Senate amendment contained a provision, not included in the House bill, authorizing the court in Freedom of Information Act cases to impose a sanction of up to 60 days suspension from employment

against a Federal employee or official who the court found to have been responsible for withholding the requested records without reasonable basis in law.

The conference substitute follows the Senate amendment, except that the court is authorized to make a finding whether the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding. If the court so finds, the Civil Service Commission must promptly initiate a proceeding to determine whether disciplinary action is warranted against the responsible officer or employee. The Commission's findings and recommendations are to be submitted to the appropriate administrative authority of the agency concerned and to the responsible official or employee, and the administrative authority shall promptly take the disciplinary action recommended by the Commission. This section applies to all persons employed by agencies under this law.

ADMINISTRATIVE DEADLINES

The House bill required that an agency make a determination whether or not to comply with a request for records within 10 days (excepting Saturdays, Sundays, and legal public holidays) and to notify the person making the request of such determination and the reasons therefore, and the right of such person to appeal any adverse determination to the head of the agency. It also required that agencies make a final determination on any appeal of an adverse determination within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the appeal by the agency. Further, any person would be deemed to have exhausted his administrative remedies if the agency fails to comply with either of the two time deadlines.

The Senate amendment contained similar provisions but authorized certain other administrative actions to extend these deadlines for another 30 working days under specified types of situations, if requested by an agency head and approved by the Attorney General. It also would grant an agency, under specified "unusual circumstances," a 10-working-day extension upon notification to the person requesting the records. In addition, an agency could transfer part of the number of days from one category to another and authorize the court to allow still additional time for the agency to respond to the request. The Senate amendment also provided that any agency's notification of denial of any request for records set forth the names and titles or positions of each person responsible for the denial. It further allowed the court, in a Freedom of Information action, to allow the government additional time if "exceptional circumstances" were present and if the agency was exercising "due diligence in responding to the request."

The conference substitute generally adopts the 10- and 20-day administrative time deadlines of the House bill but also incorporates the 10-working-day extension of the Senate amendment for "unusual circumstances" in situations where the agency must search for and collect the requested records from field facilities separate from the office processing the request, where the agency must search for, collect, and examine a voluminous amount of separate and distinct records demanded in a single request, or where the agency has a need to consult with another agency or agency unit having a substantial interest in the determination because of the subject matter. This 10-day extension may be invoked by the agency only once—either during initial review of the request or during appellate review.

The 30-working-day certification provision of the Senate amendment has been eliminated, but the conference substitute retains the Senate language requiring that any agency's notification to a person of the denial of any request for records set forth the names and titles or positions of each person responsible for the denial. The conferees intend that this listing include those persons responsible for the original, as well as the appellate, determination to deny the information requested. The conferees intend that consultations between an agency unit and the agency's legal staff, the public information staff, or the Department of Justice should not be considered the basis for an extension under this subsection.

The conference substitute also retains the Senate language giving the court authority to allow the agency additional time to examine requested records in exceptional circumstances where the agency was exercising due diligence in responding to the request and had been since the request was received.

NATIONAL DEFENSE AND FOREIGN POLICY EXEMPTION (B)(1)

The House bill amended subsection (b)(1) of the Freedom of Information law to permit the withholding of information "authorized under the criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy."

The Senate amendment contained similar language but added "statute" to the exemption provision.

The conference substitute combines language of both House and Senate bills to permit the withholding of information where it is "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy" and is "in fact, properly classified" pursuant to both procedural and substantive criteria contained in such Executive order.

When linked with the authority conferred upon the Federal courts in this conference substitute for *in camera* examination of contested records as part of their *de novo* determination in Freedom of Information cases, this clarifies Congressional intent to override the Supreme Court's holding in the case of *E.P.A.* v. *Mink, et al.*, supra, with respect to *in camera* review of classified documents.

However, the conferees recognize that the Executive departments responsible for national defense and foreign policy matters have unique insights into what adverse effects might occur as a result of public disclosure of a particular classified record. Accordingly, the conferees expect that Federal courts, in making *de novo* determinations in section 552(b)(1) cases under the Freedom of Information law, will accord substantial weight to an agency's affidavit concerning the details of the classified status of the disputed record.

Restricted Data (42 U.S.C. 2162), communication information (18 U.S.C. 798), and intelligence sources and methods (50 U.S.C. 403(d)(3) and (g)), for example, may be classified and exempted under section 552(b)(3) of the Freedom of Information Act. When such information is subjected to court review, the court should recognize that if such information is classified pursuant to one of the above statutes, it shall be exempted under this law.

INVESTIGATORY RECORDS

The Senate amendment contained an amendment to subsection (b)(7) of the Freedom of Information law, not included in the House bill, that would clarify Congressional intent disapproving certain court interpretations which have tended to expand the scope of agency authority to withhold certain "investigatory files compiled for law enforcement purposes." The Senate amendment would permit an agency to withhold investigatory records compiled for law enforcement purposes only to the extent that the production of such records would interfere with enforcement proceedings, deprive a person of a right to a fair trial or an impartial adjudication, constitute a clearly unwarranted invasion of personal privacy, disclose the identity of an informer, or disclose investigative techniques and procedures.

The conference substitute follows the Senate amendment except for the substitution of "confidential source" for "informer," the addition of language protecting information compiled by a criminal law enforcement authority from a confidential source in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, the deletion of the word "clearly" relating to avoidance of an "unwarranted invasion of personal privacy," and the addition of a category allowing withholding of information whose disclosure "would endanger the life or physical safety of law enforcement personnel."

The conferees wish to make clear that the scope of this exception against disclosure of "investigative techniques and procedures" should not be interpreted to include routine techniques and procedures already well known to the public, such as ballistic tests, fingerprinting, and other scientific tests or commonly known techniques. Nor is this exemption intended to include records falling within the scope of subsection 552(a)(2) of the Freedom of Information law, such as administrative staff manuals and instructions to staff that affect a member of the public.

The substitution of the term "confidential source" in section 552(b)(7)(D) is to make clear that the identity of a person other than a paid informer may be protected if the person provided information under an express assurance of confidentiality or in circumstances from which such an assurance could be reasonably inferred. Under this category, in every case where the investigatory records sought were compiled for law enforcement purposes—either civil or criminal in nature—the agency can withhold the names, addresses, and other information that would reveal the identity of a confidential source who furnished the information. However, where the records are compiled by a criminal law enforcement authority, *all* of the information furnished only by a confidential source may be withheld if the information was compiled in the course of a criminal investigation. In addition, where the records are compiled by an agency conducting a lawful national security intelligence investigation, all of the information furnished only by a confidential source may also be withheld. The conferees intend the term "criminal law enforcement authority" to be narrowly construed to include the Federal Bureau of Investigation and similar investigative authorities. Likewise, "national security" is to be strictly construed to refer to military security, national defense, or foreign policy. The term "intelligence" in section 552(b)(7)(D) is intended to apply to positive intelligence-gathering activities, counter-intelligence activities, and background security investigations by governmental units which have authority to conduct such functions. By "an agency" the conferees intend to include criminal law enforcement authorities as well as other agencies. Personnel, regulatory, and civil enforcement investigations are covered by the first clause authorizing withholding of information that would reveal the identity of a confidential source but are not encompassed by the second clause authorizing withholding of all confidential information under the specified circumstances.

The conferees also wish to make clear that disclosure of information about a person to that person does not constitute an invasion of his privacy. Finally, the conferees express approval of the present Justice Department policy waiving legal exemptions for withholding historic investigatory rec-

ords over 15 years old, and they encourage its continuation.

SEGREGABLE PORTIONS OF RECORDS

The Senate amendment contained a provision, not included in the House bill, providing that any reasonably segregable portion of a record shall be provided to any person requesting such record after the deletion of portions which may be exempted under subsection (b) of the Freedom of Information law.

The conference substitute follows the Senate amendment.

ANNUAL REPORTS BY AGENCIES

The House bill provided that each agency submit an annual report, on or before March 1 of each calendar year, to the Speaker of the House and the President of the Senate for referral to the appropriate committees of the Congress. Such report shall include statistical information on the number of agency determinations to withhold information requested under the Freedom of Information law; the reasons for such withholding; the number of appeals of such adverse determinations with the result and reasons for each; a copy of every rule made by the agency in connection with this law; a copy of the agency fee schedule with the total amount of fees collected by the agency during the year; and other information indicating efforts to properly administer the Freedom of Information law.

The Senate amendment contained similar provisions and added two requirements not contained in the House bill, (1) that each agency report list those officials responsible for each denial of records and the numbers of cases in which each participated during the year and (2) that the Attorney General also submit a separate annual report on or before March 1 of each calendar year listing the number of cases arising under the Freedom of Information law, the exemption involved in each such case, the disposition of the case, and the costs, fees, and penalties assessed under the law. The Attorney General's report shall also include a description of Justice Department efforts to encourage agency compliance with the law.

The conference substitute incorporates the major provisions of the House bill and two Senate amendments. With respect to the annual reporting by each agency of the names and titles or positions of each person responsible for the denial of records requested under the Freedom of Information law and the number of instances of participation for each, the conferees wish to make clear that such listing include those persons responsible for the original determination to deny the information requested in each case as well as all other agency employees or officials who were responsible for determinations at subsequent stages in the decision.

EXPANSION OF AGENCY DEFINITION

The House bill extends the applicability of he Freedom of Information law to include ny executive department, military depart- ent, Government corporation, Government- ntrolled corporation, or other establish- nt in the executive branch of Govern- nt (including the Executive Office of the sident), or any independent regulatory ncy.

he Senate amendment provided that for oses of the Freedom of Information law erm agency included any agency defined ection 551(1) of title 5, United States e, and in addition included the United es Postal Service, the Postal Rate Com- sion, and any other authority of the Gov- ment of the United States which is a cor- tion and which receives any appropri- funds.

he conference substitute follows the se bill. The conferees state that they nd to include within the definition of ncy" those entities encompassed by 5 C. 551 and other entities including the ted States Postal Service, the Postal Rate Commission, and government corporations or government-controlled corporations now in existence or which may be created in the future. They do not intend to include corporations which receive appropriated funds but are neither chartered by the Federal Government nor controlled by it, such as the Corporation for Public Broadcasting. Expansion of the definition of "agency" in this subsection is intended to broaden applicability of the Freedom of Information Act but it is not intended that the term "agency" be applied to subdivisions, offices or units within an agency.

With respect to the meaning of the term "Executive Office of the President" the conferees intend the result reached in *Soucie* v. *David*, 448 F.2d 1067 (C.A.D.C. 1971). The term is not to be interpreted as including the President's immediate personal staff or units in the Executive Office whose sole function is to advise and assist the President.

EFFECTIVE DATE

Both the House bill and the Senate amendment provided for an effective date of 90 days after the date of enactment of these amendments to the Freedom of Information law.

The conference substitute adopts the language of the Senate amendment.

CHET HOLIFIELD,
WILLIAM S. MOORHEAD,
JOHN E. MOSS,
BILL ALEXANDER,
FRANK HORTON,
JOHN N. ERLENBORN,
PAUL MCCLOSKEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
PHILIP A. HART,
BIRCH BAYH,
QUENTIN N. BURDICK,
JOHN V. TUNNEY,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

CALL OF THE HOUSE

Mr. McCORMACK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 540]

Abzug	Green, Oreg.	Preyer
Archer	Griffiths	Price, Tex.
Armstrong	Gunter	Rangel
Badillo	Hammer-	Rarick
Bafalis	schmidt	Reid
Biaggi	Hansen, Wash.	Robison, N.Y.
Blatnik	Harrington	Roncalio, Wyo.
Brasco	Harsha	Rooney, N.Y.
Breaux	Hays	Rosenthal
Brooks	Hébert	Ruppe
Buchanan	Holifield	Schroeder
Camp	Hudnut	Seiberling
Carey, N.Y.	Jarman	Shipley
Cederberg	Johnson, Colo.	Sisk
Clark	Koch	Stanton,
Clawson, Del	Leggett	James V.
Conyers	Lehman	Steed
Corman	Luken	Steele
Daniel,	McCloskey	Steelman
Robert W., Jr.	McKinney	Steiger, Ariz.
Davis, Ga.	McSpadden	Stephens
Dellums	Macdonald	Symington
Diggs	Maraziti	Tiernan
Dingell	Mayne	Towell, Nev.
Dorn	Michel	Traxler
Drinan	Mills	Udall
Eckhardt	Mitchell, Md.	Wampler
Fraser	Moss	White
Gettys	Nelsen	Wilson,
Gibbons	O'Hara	Charles, Tex.
Ginn	Owens	Wright
Grasso	Podell	
Gray	Powell, Ohio	

The SPEAKER. On this rollcall 341 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RECESS

The SPEAKER. Pursuant to the order of the House of September 24, 1974, the Chair declares the House in recess for the purpose of observing and commemorating the 200th anniversary of the meeting and accomplishments of the First Continental Congress. The proceedings will actually start formally at 12:30 p.m.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

THE 200TH ANNIVERSARY OF THE FIRST CONTINENTAL CONGRESS, 1774–1974

During the recess the following proceedings took place in observing and commemorating the 200th anniversary of the meeting and accomplishments of the First Continental Congress, the Speaker of the House of Representatives presiding:

COMMEMORATIVE CEREMONY IN HONOR OF THE 200TH ANNIVERSARY OF THE FIRST CONTINENTAL CONGRESS IN THE UNITED STATES HOUSE OF REPRESENTATIVES, SEPTEMBER 25, 1974

The Old Guard Colonial Fife and Drum Corps led by Staff Sergeant John Markel as Drum Major, entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mr. Alistair Cooke, Prof. Cecelia M. Kenyon and Prof. Merrill Jensen, entered the door to the right of the Speaker and took the positions assigned to them.

The Old Guard Colonial Fife and Drum Corps presented a rendition of "Chester."

The Doorkeeper (Hon. William M. Miller) announced the Flag of the United States.

[At this clause, the Members rising.]

The Flag was carried into the Chamber by a Color Bearer and a Guard of Honor.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the Honorable MIKE MCCORMACK of Washington, the chairman of the Committee on Arrangements.

Mr. McCORMACK. Mr. Speaker, fellow Members, ladies and gentlemen: December of 1773, a group of Boston citizens, outraged with a new British tax on tea, swarmed over three British ships in the Harbor and dumped the cargo overboard.

In the spring of 1774, the British Parliament, responding sternly, enacted the Coercive Acts, closing the port of Boston, quartering troops in Boston, and exempting British officials from trial in the Colony's courts.

The colonists called these the Intolerable Acts, and they were the central subject of discussion when the First Continental Congress met on September 5, 1774.

Out of this session came a "Declaration

and Resolves" of colonial rights and an agreement to stand together in boycotting commerce with Great Britain.

The thirst for liberty and justice and a willingness to sacrifice for it was the initial manifestation of the spirit that produced the Declaration of Independence, the Constitution, the Bill of Rights, and a 200-year tradition of representative government, preserving freedom and dignity for all Americans.

Today we meet to commemorate the 200th anniversary of that Frst Congress. The other members of your arrangements committee are: The Honorable JOSEPH M. MCDADE, of Pennsylvania, the Honorable JAMES M. HANLEY, of New York, and the Honorable JACK F. KEMP, of New York.

News of Parliament's passage of the Coercive Acts arrived in the Colonies during the early summer of 1774. This news not only elicited demands for a general Congress to take steps to define and to secure colonial rights; it also provoked a searching reexamination of the nature of the connection between Britain and the Colonies, as well as the extent and character of American rights. The flood of pamphlets and newspaper essays that poured forth from American presses provided the intellectual context—and established the mood—within which the First Continental Congress acted. Perhaps the most penetrating, and certainly the most moving, of these pamphlets was entitled "A summary View of the Rights of British America," the inspired performance of a young Virginia lawyer and legislator, Thomas Jefferson. Here to read Jefferson's ringing conclusion is Congresswoman BARBARA JORDAN, of Texas.

Miss JORDAN. Proceeding from the then still novel assumption that the Colonies were distinct and independent governments bound to Britain only through their mutual allegiance to a common monarch, Jefferson argued at length in a summary view that the British Parliament had no authority over the colonists, who were bound only by laws made by their own elected representatives and the legislatures of each of the Colonies. But, Jefferson argued, Parliament had not been alone in pursuing illegal "Acts of Power" in what he said, was "Too plainly a deliberate and systematical plan of reducing us to slavery." George III himself had been guilty of a "wanton exercise of power" in the Colonies. Charging the King with a long list of oppressive acts against the Colonies, Jefferson concluded his pamphlet with the following warning: (Last paragraph of "A Summary View of the Rights of British America.").

That these are our grievances, which we have thus laid before his majesty, with that freedom of language and sentiment which becomes a free people claiming their rights as derived from the laws of nature, and not as the gift of their chief magistrate: Let those flatter who fear, it is not an American art. To give praise which is not due might be well from the venal, but would ill beseem those who are asserting the rights of human nature. They know, and will therefore say, that kings are the servants, not the proprietors of the people.

Open your breast, sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue both to Great Britain and America the reciprocal advantages of their connection. It is neither our wish nor our interest to separate from her.

We are willing on our part, to sacrifice everything which reason can ask to the restoration of that tranquility for which all must wish. On their part, let them be ready to establish union and a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, or to supply those wants which they cannot supply. Still less let it be proposed that our properties within our own territories shall be taxed or regulated by any power on earth but our own. The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them. This, sire, is our last; our determined resolution; and that you will be pleased to interpose with that efficacy which your earnest endeavors may ensure to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that these may continue to the latest ages of time, is the fervent prayer of all British America!

Mr. McCORMACK. Thank you, BARBARA.

Ladies and gentlemen, Congressman JIM HANLEY of New York.

Mr. HANLEY. Mr. Speaker, I am privileged today to introduce our first guest speaker, Miss Cecelia M. Kenyon. Professor Kenyon is the Charles N. Clark professor of government at Smith College, and during this school year is serving as the James Pinckney Harrison Professor of History at the College of William and Mary.

She is known primarily for her penetrating and insightful essays on the political thought of the Founding Fathers and especially for her work on the Anti-Federalists. She is presently doing a large study of early American political ideas and is serving on the advisory committee for the Library of Congress American Revolution Bicentennial Program.

Professor Kenyon.

Prof. CECELIA M. KENYON. Mr. Speaker, Members of the House of Representatives, ladies and gentlemen:

Members of the First Continental Congress would be pleased indeed to know that this House, its heir and descendant, had paused in the midst of efforts to cope with contemporary problems and commemorate the purposes and achievements of that Congress of two centuries ago.

For the delegates of that Congress had a profound sense of the significance of their own meeting, for themselves and their generation, and for their posterity—that is to say, for us today in this Chamber, and for the millions of Americans represented here by the Members of this House.

That significance was stated succinctly by a delegate from Virginia, Richard Bland:

> The question is, whether the rights and liberties of America shall be contended for, or given up to arbitrary power.

The tasks that brought those men to Philadelphia in 1774 is still significant today. Indeed when we consider the relatively rare existence of constitutional republics throughout all of known history, the preservation of liberty will always be a difficult and continuous task. For no generation alone can guarantee the enjoyment of liberty either for itself or for its posterity.

It is therefore fitting and proper for us to look back at the thought and the work of our predecessors, for in doing so, we may gain insight and understanding that will enable us to pass on to our posterity the heritage of liberty and self government which the men of 200 years ago preserved, enhanced, and transmitted to succeeding generations of Americans.

What were the assumption of the Members of that First Continental Congress? What were their objectives and their problems? What were the political skills which they used to resolve their differences and reach conclusions to resolve their differences and reach conclusions to which at least a majority could in conscience consent, and then present to their constituents as a program for national action by which to defend their rights and liberties?

My colleagues and I will attempt to answer some of these questions.

First, all of the delegates, including those who later remained loyal to the British Government, were committed to the principles of constitutionalism and the rule of law. They differed in their i